

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

Expedited Consideration Requested

**DEBTOR’S *EX PARTE* MOTION FOR AN ORDER SHORTENING
NOTICE AND SCHEDULING AN EXPEDITED HEARING, IF
NECESSARY, WITH RESPECT TO DEBTOR’S MOTION FOR SITE
VISIT BY COURT IN CONNECTION WITH THE HEARING ON
CONFIRMATION OF THE CITY’S PLAN OF ADJUSTMENT**

The City of Detroit hereby moves *ex parte* for the entry of an order pursuant to Rules 9006(c)(1) and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9006-1(b) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Michigan (the “Local Rules”) (a) shortening the notice period with respect to the Debtor’s Motion for Site Visit by Court in Connection with the Hearing on Confirmation of the City’s Plan of Adjustment (the “Motion”) so that objections to the Motion, if any, must be filed no later than June 17, 2014, and (b) scheduling a hearing on the Motion, if any objections are raised, for June 25, 2014

at 10:00 a.m. In support of this *Ex Parte* Motion, the City respectfully states as follows:

Jurisdiction and Venue

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

Relief Requested

2. The City filed the Motion contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion, the City seeks entry of an order regarding the conduct of a site visit by the Court (the “Site Visit”), accompanied by counsel for the Debtor and counsel for the objectors to the Plan, of certain key locations relevant to the City’s Plan of Adjustment. The purpose of the Site Visit is to provide the Court with critical context for, and a fuller understanding of, related evidence that will be presented in court at the confirmation hearing.

3. By this *Ex Parte* Motion, the City seeks an order (a) shortening the notice period with respect to the Motion so that objections to the Motion, if any, must be filed no later than June 17, 2014, and (b) scheduling a hearing on the Motion, if any objections are filed, on June 25, 2014 at 10:00 a.m.

Basis for Relief

4. Bankruptcy Rule 9006(c)(1) provides that “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1). Local Rule 9006-1(b) further provides that “a party may file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper.” E.D. Mich. LBR 9006-1(b).

5. In addition, pursuant to Bankruptcy Rule 9007, “[w]hen notice is to be given under the [Bankruptcy Rules], the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given.” Fed. R. Bankr. P. 9007.

6. Together, these rules provide the Court with the authority to enter an *ex parte* order scheduling a hearing on shortened notice and approve the manner of notice of such hearing.

7. As explained more fully in its Motion, the City believes that the Site Visit is needed to ensure that the Court has the necessary context for the testimonial evidence that will be presented regarding the challenges facing the City, and how the City intends to meet those challenges through its reinvestment plan. If the Motion is approved, the City will need adequate time to make all

arrangements for the Site Visit, including coordinating security arrangements with the Court and negotiating with the Objectors regarding the language to be used to describe each location in the Site Visit. Thus, it is necessary to bring the Motion before the Court expeditiously.

8. The Court already has a hearing scheduled on other matters, and a courtroom reserved, on June 25, 2014 at 10:00 a.m. Hearing the Motion at the same time will promote judicial efficiency, ensure that the City has adequate time to prepare for the Site Visit if the Motion is approved, and would only require shortening the regular notice period by a few days.

9. The City will serve this *Ex Parte* Motion via the Court's ECF system to the parties registered to receive notice in the above-captioned proceeding, and will provide notice of the *ex parte* order promptly upon issuance.

10. For these reasons, the City submits that cause exists to shorten the notice on the Motion so that objections are due June 17, 2014 and to schedule a hearing on the Motion, if necessary, for June 25, 2014, at 10:00 a.m.

WHEREFORE, the City respectfully requests that the Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion and granting such further relief as the Court deems appropriate.

Dated: June 6, 2014

Respectfully submitted,

/s/ Robert S. Hertzberg

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**ATTORNEYS FOR THE CITY OF
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EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**ORDER GRANTING DEBTOR'S *EX PARTE* MOTION FOR AN ORDER
SHORTENING NOTICE AND SCHEDULING
AN EXPEDITED HEARING**

This matter coming before the Court on Debtor's *Ex Parte* Motion for an Order Shortening Notice and Scheduling an Expedited Hearing with Respect to Debtor's Motion for Site Visit by Court in Connection with the Hearing on Confirmation of the City's Plan of Adjustment (the "Motion");¹ the Court having reviewed the Motion; having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (iv) notice of the Motion was sufficient under the circumstances; having determined after due deliberation that the relief requested in

¹ Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

the Motion is in the best interests of the Debtor and its creditors; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.
2. Objections to the Debtor's Motion shall be filed no later than June 17, 2014.
3. If any objection is filed, a hearing with respect to the Debtor's Motion shall be held on June 25, 2014, at 10:00 a.m. (prevailing Eastern Time) before the Hon. Steven Rhodes in Courtroom 100, Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan.